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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,483	06/29/2004	Ulrich Bohne	3012	4388
7590 Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743				
06/07/2010				
EXAMINER				
FLORES SANCHEZ, OMAR				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
06/07/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,483

Applicant(s)

BOHNE ET AL.

Examiner

Omar Flores-Sánchez

Art Unit

3724

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,8,9,12,15-17,19-22 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,8,9,12,15-17,19-22 and 24-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment received on 09/02/09.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 4, 8, 9, 12, 15-17, 19-22, 24-26 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague and indefinite because it sets forth both an "adjustable residue guide" and a rotary slide having an "integrated guide tube" for the same structure. Moreover, claim 1 further discloses that there is a pivot tube that is pivotable about a pivot axis. However, the embodiment elected as shown or disclosed hasn't TWO or three adjustable/movement tubes/guides.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4, 8, 9, 12, 15-17, 19-22, 24-26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Doumani et al. (6,167,626 B1).

Doumani et al. discloses (Fig. 1-7) the invention including a machine tool/circular power saw with a blade 16 and covering (20 and 22), and an adjustable residue guide 68 for carrying away at least some of the machining residues through an outlet opening 48 in a defined direction in accordance with the position of the residue guide wherein the residue guide having a pivot tube 68 that is pivotable about a pivot axis (e.g., since the entire saw assembly is pivotable relative to a foot about a pivot axis to change a bevel angle and/or cutting depth, the tube can be reasonably considered to be also pivotable about the pivot axis since the tube is attached to the saw assembly; or pivotable about its longitudinal axis by rotating the tube). Also, e.g., at least some of the machining residues discharge inside the covering and through a lower end (e.g., col. 4 line 49) and outside the covering regardless the position of the guide (e.g., whether the saw assembly is straight or beveled), or at least some of the machining residues discharge inside the covering and through a lower end (by pivoting the tube 68 in Fig. 7 to the left side and removing the tube allowing the door 56 to close) and outside the covering (by lifting the door 56 and pivoting the tube 68 in Fig. 7 to the right side). Doumani et al. discloses the invention including a feed tube (50 and 52), a connection stub (inherently disclosed by the shop-type vacuum, see col. 6, lines 12-14), the residue guide is adjustable continuously (by moving the tube in engagement with the covering without stopping the process of engagement) or in stages (by moving the tube in engagement with the covering and pausing the process of engagement); rotatably drive a tool (see Fig. 1) about a rotation axis, whereby residues produced in operation are carried away by said pivot tube in a direction having a component along said rotation axis (col. 6, lines 3-12); the feed tube has a longitudinal axis that is disposed substantially horizontally (see Fig. 5, elements 50 have a longitudinal axis extending in a horizontal plane);

guide tube has a discharge opening (which is located end of the tube 68) and said rotary slide has a position, in which said discharge opening is located entirely inside said covering (see Fig. 7); and aid pivot axis of said pivot tube extends parallel to the plane of said saw blade (see Fig. 6).

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Boyer D. Ashley/
Supervisory Patent Examiner, Art Unit
3724

/O. F./
Examiner, Art Unit 3724
6/3/2010